

REMARKS

Claims 89-156 are pending. The sole rejection of these claims is for obviousness over Stylli. The rejection is based on the Examiner's repeated refusal, for reasons unknown to Applicants and the undersigned, to correctly read a simple, unambiguous sentence. It is manifestly improper and unjust for Applicants to continue to be denied a patent on the basis of the Examiner's refusal or inability to understand a simple sentence.

It must be emphasized that the sentence at issue is not ambiguous. It is not a sentence whose meaning could reasonably be construed to mean one thing by some readers, another thing by others. The sentence has only one possible meaning, and it is not the meaning given it by the Examiner. The sentence is as follows (Stylli, col. 44 lines 20-23): “[I]n practicing the methods of the invention, the products or compositions can be used alone or in combination with one another, or in combination with other therapeutic or diagnostic agents.”

The sentence does not say what the Examiner says it does—that drug combinations can be screened. Following the subject “products or compositions” is a verb, “used.” The verb “to use” is not a synonym for “to screen.” The verb means “employed.” The products of Stylli are, according to the cited sentence, “used,” or employed, for some purpose, and that purpose is absolutely clear: therapy. The sentence is referring to combination therapy, the administration of a combination of drugs to a person, and not to combination screening. The “methods of the invention” referred to in the passage are

methods of treatment, not methods of screening.

If further evidence of the obvious, incontrovertible fact that Stylli is referring only to combination therapy, not screening, were required, the context of the cited sentence provides such evidence. The title of the section of Stylli in which the cited sentence appears is "Pharmaceutical Compositions" (column 43, line 45; emphasis supplied). The next thirteen paragraphs provide descriptions of various pharmaceutical compositions, dosages, and routes of administration. Indeed, the sentence preceding the one quoted by the Examiner is directed to factors associated with dosing, which pertains only to therapy, but not screening.

Stylli simply does not teach or suggest what all of the present claims require—screening two-compound or higher order combinations of compounds for a desirable biological property. The rejection of claims 89-156 for obviousness is clear error, and should be withdrawn.

Although it should be unnecessary to point this out given Stylli's lack of disclosure of screening, claims 149-153 can be further distinguished from Stylli on the basis of additional steps not taught by Stylli. In independent claim 149 (from which claims 150-153 depend), cells are first contacted with single compounds, and a biological property is measured. Compounds having a desired effect on the measured biological property are selected for testing in combination. Combinations having activity are identified as potential human therapeutics. Stylli clearly does not describe a method in which

compounds are first tested individually, and then in combination, nor does the Examiner ever make this assertion, apart from the bare rejection of claim 49 without explanation or analysis.

Reconsideration and withdrawal of the rejection of claims 89-156 is respectfully requested.

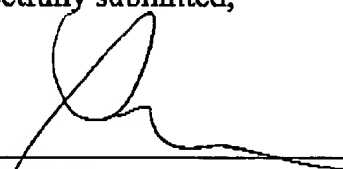
CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

Jan. 4, 2005



Paul T. Clark
Reg. No. 30,162

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045